

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CITY OF CHICAGO, ) Docket No. 19 C 04547  
Plaintiff, ) Chicago, Illinois  
v. ) August 20, 2019  
JUSSIE SMOLLETT, ) 9:20 a.m.  
Defendant. )

TRANSCRIPT OF PROCEEDINGS - Initial Status Hearing  
BEFORE THE HONORABLE VIRGINIA M. KENDALL

## APPEARANCES:

For the Plaintiff: CITY OF CHICAGO - DEPT. OF LAW by  
MS. RENAE SCHERRI RODNEY  
MR. ELIE THOMAS ZENNER  
121 North LaSalle Street, Room 600  
Chicago, Illinois 60602

For the Defendant: THE QUINLAN LAW FIRM LLC by  
MR. WILLIAM JOHN QUINLAN  
MR. DAVID EDWARD HUTCHINSON  
233 South Wacker drive, Suite 6142  
Chicago, Illinois 60606

Court Reporter: GAYLE A. McGUIGAN, CSR, RMR, CRR  
Federal Official Court Reporter  
219 South Dearborn, Room 2318-A  
Chicago, Illinois 60604  
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1 (Proceedings heard in open court:)

2 THE CLERK: 19 C 4547, City of Chicago versus  
3 Smollett.

4 MR. QUINLAN: Good morning, your Honor.

5 MS. RODNEY: Good morning, your Honor. Renai Rodney  
6 on behalf of the plaintiff.

7 THE COURT: Renai Rodney? Why are you -- you're in  
8 the wrong place. Did you go to the City?

9 MS. RODNEY: I did.

10 THE COURT: Oh, well, welcome. Good morning.

11 MR. ZENNER: Elie Zenner on behalf of the plaintiff.

12 THE COURT: Good morning.

13 MR. QUINLAN: Good morning, your Honor. William J.  
14 Quinlan and David Hutchinson on behalf of the defendants.

15 THE COURT: But you stayed where you were. I just got  
16 confused because she was normally on the other side over here.

17 Okay, so tell me what you intend to prove, City, what  
18 you intend to prove and how you're going to do it, how much  
19 time you need, okay?

20 MS. RODNEY: Yes, your Honor.

21 The City has filed a complaint alleging that the  
22 defendant violated the City's False Claims and Cost Recovery  
23 ordinances by submitting a false report to the Chicago Police  
24 Department by alleging that he was the victim of a racist and  
25 homophobic beating by unknown attackers, and the City also

1 contends that it expended significant resources responding to  
2 the defendant's false allegations.

3 We -- with respect to discovery, we expect no more  
4 than ten depositions, and we'll be seeking various documents in  
5 discovery as well with respect to cellphone records, laptop  
6 information, and things of that nature.

7 Right now, there is a pending motion to dismiss. The  
8 City plans to respond to that on Monday, the 26th.

9 THE COURT: Right. I set a schedule on that already.

10 MS. RODNEY: Yes.

11 THE COURT: And I think I gave you the date for giving  
12 you a ruling on that in October already, right?

13 MS. RODNEY: Right. October 20th, I believe.

14 THE COURT: Okay. All right. And I noticed in your  
15 report it says that there's ESI production.

16 Is that primarily the cellphone records and the  
17 computer records?

18 MR. ZENNER: Yes.

19 MS. RODNEY: Yes, your Honor.

20 THE COURT: All right. All right then.

21 What's your position?

22 MR. QUINLAN: We filed a motion to dismiss, as your  
23 Honor knows.

24 THE COURT: I saw it, yes.

25 MR. QUINLAN: And in our joint status report, we laid

1 out should that -- at the point where they need to answer the  
2 complaint, we would then file initial disclosures 30 days after  
3 and then proceed forward with discovery.

4 THE COURT: Okay. So I don't mind doing that, under  
5 our model plan, so you'll be able to just do your -- I'd like  
6 the basic information that you can share to be turned over  
7 before we get into the heavy-duty depositions and discovery  
8 during the time that I'm reviewing the motion to dismiss. But  
9 anything that is controversial or complicated, just wait until  
10 I rule on it so that you don't do the extra work. And then  
11 you'll get a ruling in October, and then we'll decide from  
12 there.

13 Now, assuming that we go forward, the end of your fact  
14 discovery will be -- I'll need my 2020 calendar -- it will be  
15 February 14th, Valentine's Day. And then February 17th -- that  
16 might be President's Day. I'm not sure.

17 MR. QUINLAN: It is. It is President's Day.

18 THE COURT: It is? Okay. So February 18th then will  
19 be the end of fact discovery status.

20 When you come back for an end of fact discovery  
21 status, it's a substantive status. It means that you need to  
22 let me know whether or not you're filing a dispositive motion  
23 and as to what issue.

24 I notice in your report that it says that you don't  
25 intend to have any expert discovery. If that changes, you

1 should report on that date as to whether or not you intend to  
2 have expert discovery, what type of expert, and as to what  
3 issue. So this is a real fulsome discussion. It's not just a  
4 place card holder.

5 Meanwhile, I'm going to give you an interim date of  
6 November 1st for you to contact my courtroom deputy, inform her  
7 as to whether you want to have a referral to the magistrate  
8 judge.

9 Who is our magistrate here?

10 THE CLERK: Judge Harjani.

11 THE COURT: Oh, the new magistrate judge. Okay.

12 So -- and if you want to have that for a settlement  
13 conference only, you need to call her, let her know. She'll  
14 put it on the docket. If you don't want a settlement  
15 conference -- both sides have to agree. If you don't want it,  
16 it just goes in as a phone call that you don't want it. But  
17 it's to prevent us from delay. Okay?

18 And then any discovery disputes come directly to me on  
19 my motion call. I'm not referring discovery or anything like  
20 that.

21 Any questions?

22 MR. QUINLAN: The status hearing on the 22nd of  
23 October, that still stands?

24 THE COURT: It stands, right. That will be for my  
25 review of your motion to dismiss, which they haven't responded

1 to yet, but they have a date. And then you have a reply.

2 Okay?

3 MR. QUINLAN: Understood.

4 THE COURT: Any other dates or problems, issues?

5 (No affirmative response.)

6 THE COURT: Okay. Have a great day.

7 MR. QUINLAN: Thank you, your Honor. Thanks for  
8 taking the time.

9 (Proceedings concluded at 9:25 a.m.)

10 C E R T I F I C A T E

11 I certify that the foregoing is a correct transcript of the  
12 record of proceedings in the above-entitled matter.

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14

/s/ GAYLE A. McGUIGAN

15 Gayle A. McGuigan, CSR, RMR, CRR  
16 Official Court Reporter

August 29, 2019

17 Date

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